



EPDP Phase 2A Discussions

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CPWG

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Agenda



1. Standardized Data Element - Benefits
2. Reviewing the Draft Final Report
 - Rec. 3
 - Rec. 4
 - Rec. 5
3. EPDP Phase 2A - Timeline

Standardized Data Element



Question:

Please describe below the benefits that would be achieved by having a common data element that would be used to flag whether it concerns a legal person or natural person registration, that a registrar may use if it decides to differentiate between legal and natural person registration data. Please be as specific as possible – how would you, or other organizations make use of such a common data element? What would be the benefit, if any, for the registrant or Contracted Parties? Are there alternative ways in which this benefit could be achieved that the EPDP Team

Answer:

1. Differentiated security levels based on the nature of the data, which is of benefit to all parties, registrants (data subjects), requestors as well as CPs (data disclosures)
2. Aligning the way registries and registrars label and display registration data which is consistent with ICANN previous related consensus policies
3. Creating consistency in the treatment of the data across the industry

Standardized Data Element



Question:

Please describe below the benefits that would be achieved by having a common data element that would be used to flag whether it concerns a legal person or natural person registration, that a registrar may use if it decides to differentiate between legal and natural person registration data. Please be as specific as possible – how would you, or other organizations make use of such a common data element? What would be the benefit, if any, for the registrant or Contracted Parties? Are there alternative ways in which this benefit could be achieved that the EPDP Team

Answer:

3. If and when a system for disclosing non public registration data becomes available the common data element can be of benefit in providing automatic responses.

4. Flagging the data as natural or legal is consistent with regulations and legislation like GDPR, which differentiate between the data of legal and natural persons and allow for different disclosure measures based on the nature of the data.

5. Having different disclosure measures based on the nature of the data would allow for quicker disclosure of the data labeled as belonging to legal persons which would be of benefit to legitimate requestors. In addition, different disclosure measures are of benefit to registrants because it allows better protection of more sensitive data.

Reviewing the Draft Final Report



Rec. #3

- Further consider whether the existing RDAP data element “kind” could be used for the purpose of differentiation.
- Consider moving away from “standardized” data element and instead use “consistent” or “common”
- Consider noting the agreement to have a standardized data element available, even if disagreement persists about whether it should be optional or required to use
- **Proposed language by the RySG:**
As part (in Support) of the SSAD implementation, a standardized data element should be identified that would indicate the type of person it concerns (natural or legal) and if legal, also the type of data it concerns (personal or non-personal data). Such a data element could be used by registrars who choose to differentiate between legal and natural persons. Such flagging could facilitate review of disclosure requests via SSAD and other similar disclosure tools.

Reviewing the Draft Final Report



Rec. #4

The EPDP Team recommends that Contracted Parties who choose to differentiate based on person type **SHOULD** follow the guidance
(No support for **MUST**)

NEW Recommendation

The EPDP Team recommends that ICANN org and Contracted Parties collaborate to translate this guidance into a Code of Conduct, in line with article 40 of the GDPR, that is to be submitted to the EDPB for its consideration. This collaboration is expected to be done in an open and transparent manner, allowing for observers to follow the discussions and with the opportunity for the community to provide input before the Code of Conduct is finalized.

Reviewing the Draft Final Report



Rec. #5

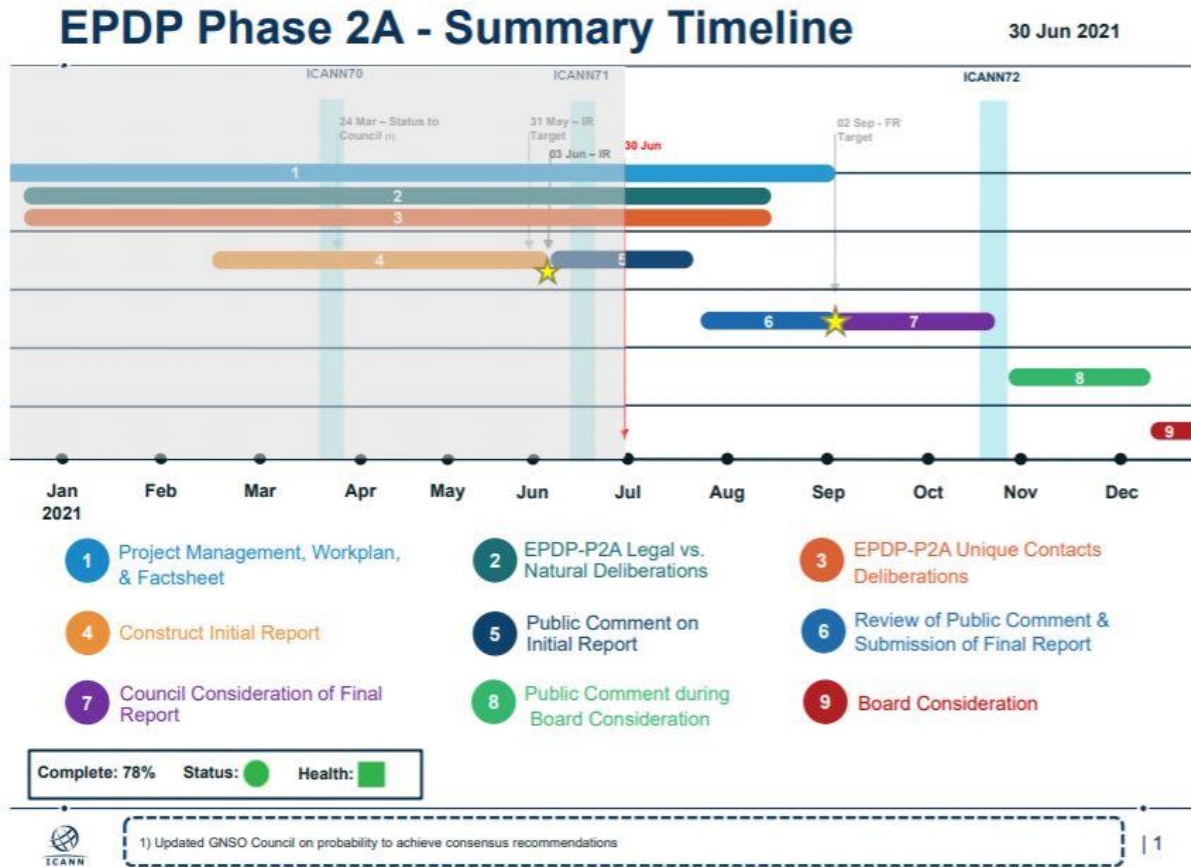
The EPDP Team recommends that Contracted Parties who choose to publish a registrant- or registration-based email address in the publicly accessible RDDS should ensure appropriate safeguards for the data subject in line with relevant guidance on anonymization techniques provided by their data protection authorities and the appended legal guidance in this recommendation (see Annex E)

Bird & Bird

•Our summary (which reflects the important assumptions and caveats provided later in this answer) is as follows:

	Registrant-based email contact	Registration-based email contact
Web publication	Medium	Low
Automated disclosure	Low	Lowest

EPDP Phase 2A - Timeline



Questions?



Thank you